



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 4055-99

26 November 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 8 August 1978 at the age of 17. Your record reflects that on 3 January 1979 you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty and disobedience. The punishment imposed was forfeitures totalling \$90, which were suspended for six months and restriction and extra duty for 14 days. On 15 March 1979 you received NJP for two periods of unauthorized absence (UA) totalling four days and two incidents of absence from your appointed place of duty. The punishment imposed was forfeitures totalling \$90 days and correctional custody for seven days, all of which was suspended for six months. You received your third NJP on 1 May 1979 for a 28 day period of UA and two incidents of absence from your appointed place of duty. The punishment imposed was correctional custody for 30 days and reduction to paygrade E-1.

Your record further reflects that on 27 July 1981 you were convicted by summary court-martial (SCM) of absence from your appointed place of duty and missing the movement of your ship.

You were sentenced to forfeitures totalling \$400 and restriction and extra duty for 10 days.

On 6 April and again on 17 May 1982 you received NJP for an undetermined period of UA, possession of marijuana, and larceny.

Subsequently, you were notified of pending administration separation action by reason of frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel you elected to present your case to an administrative separation board (ADB). On 13 July 1982 an ADB recommended you be issued an other than honorable discharge by reason of misconduct due to frequent involvement of discreditable nature with military authorities. Subsequently, your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. The discharge authority approved the foregoing recommendations and on 13 August 1982 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your discharge because of the serious nature of your frequent misconduct, which resulted in five NJPs and a court-martial conviction. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director